

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Crystal Life Technology, Inc.  
a New York Corporation,

Opposer

-v-

Jane Scott, an individual,

Applicant

Atty. File No. 05251

TTAB

Opposition No. \_\_\_\_\_

Serial No. 78,718,854

Mark: FINE JEWELRY WITH A HIGHER  
PURPOSE

Published: June 6, 2006

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

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**NOTICE OF OPPOSITION**

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Crystal Life, Technology, Inc. is a New York corporation having a place of business located at 418 Horne Street, St. Charles, Illinois, 60174, (hereinafter "Opposer"), and hereby believes that it will be damaged by the registration of the mark FINE JEWELRY WITH A HIGHER PURPOSE, (hereinafter the "Proposed Mark"), pursuant to the Application of Jane Scott. (hereinafter "Applicant") filed on September 22, 2005 under Section 1(b) of the Lanham Act and in the *Official Gazette* on June 6, 2006 (hereinafter the "Application"), and hereby opposes said Application.

AS GROUNDS OF OPPOSITION, IT IS ALLEGED THAT:

1. Opposer, since June 28, 2003, long prior to the effective filing date of the subject Application under Section 1(b) of the Act has provided goods and services to the

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public throughout the United States and abroad under its distinctive mark JEWELRY WITH PURPOSE which is the subject of Opposer's pending U.S. Trademark Application Serial No. 76/648,226 filed September 30, 2004 (hereinafter "the opposer's mark") for jewelry, namely bracelets, necklaces, pendants, anklets, rings, earrings, charms, and prayer beads in International Class 14. Through its continuous use of Crystal Life Technology's mark in stores, at the trade shows and via their website, in interstate commerce since prior to the effective filing date of the subject Application under Section 1(b) of the Act, and by virtue of the tremendous success of the goods and services provided under the Crystal Life Technology's mark, Opposer has developed extensive goodwill in its mark as well as prior common law rights.

2. When used in connection with the sale and promotion of goods and services in at least the field of jewelry, namely bracelets, necklaces, pendants, anklets, rings, earrings, charms, and prayer beads in International Class 14, the Crystal Life Technology mark has come to be identified in the minds of the public with Opposer. The Crystal Life Technology mark therefore serves to distinguish Opposer as the source of goods and services provided under the mark, and serve to indicate the high quality and reputation of those goods and services provided by Opposer under the distinctive Crystal Life Technology mark since a date prior to the effective filing date of the subject Application under Section 1(b) of the Act.

3. Opposer has therefore developed substantial common law trademark and service mark rights as well as rights analogous to trademark and service mark usage in the Crystal Life Technology mark since long prior to Applicant's filing date under Section 1(b) of the Lanham Act.

4. Upon information and belief, Applicant seeks to register FINE JEWELRY WITH A HIGHER PURPOSE for use in connection with goods of "gold and bead jewelry" which are identical or closely related to the goods and services that Opposer uses and provides under the Crystal Life Technology mark. Specifically, the subject Application recites the following goods in International Class 14: Gold and bead jewelry.

**Opposition Under Section 2(d) Of The Lanham Act**

5. Upon information and belief, the Proposed Mark is nearly identical to Opposer's Crystal Life Technology mark in appearance, sound, meaning, and commercial impression. Moreover, Applicant seeks to register the Proposed Mark for use in connection with goods that are identical or closely related to the goods and services with which Opposer has used the Crystal Life Technology mark since prior to the filing date of Applicant's application under Section 1(b). Due to the nearly identical nature of the published FINE JEWELRY WITH A HIGHER PURPOSE mark when compared to the Opposer's prior Crystal Life Technology mark used in interstate commerce, and the similarity of the goods and/or services with which the mark is used by Applicant, applicant's proposed use of FINE JEWELRY WITH A HIGHER PURPOSE would create a strong likelihood of confusion, mistake, or deception in the minds of the relevant public as to the origin, source, or sponsorship of Applicant's goods within the meaning of Section 2(d) of the Lanham Act. Opposer would therefore be damaged by the issuance of any registration based on applicant's Application and hereby opposes same.

6. Upon information and belief, if Applicant were permitted to use and register the Proposed Mark for the goods specified in her Application, confusion would result by reason of the similarity of the Proposed Mark to Opposer's Crystal Life Technology Inc.

mark and the similarity between Applicant's goods and Opposer's goods. Customers familiar with the goods and services with which Opposer uses Crystal Life Technology Inc. mark are likely to believe that Applicant's goods originate from or are sponsored, authorized, or otherwise approved by Opposer. Defects, faults, or failures associated with Applicant's goods are likely to reflect negatively upon, tarnish, and seriously injure the reputation which Opposer has long established for goods and services under its prior Crystal Life Technology Inc. mark. This confusion is likely to result in loss of sales to and public confidence in Opposer and damage to Opposer's reputation.

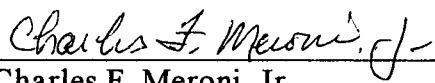
7. For the foregoing reasons, the registration sought by the Applicant is contrary to the provisions of Section 2(d) of the Lanham Act and Opposer believes it would be damaged thereby. For purposes of this claim under Section 2(d), Opposer expressly relies upon and asserts its common law and analogous use rights in the Crystal Life Technology Inc. mark which it has used in commerce since a date long prior to the date of Applicant's Application filed under Section 1(b) of the Lanham Act.

WHEREFORE, Opposer respectfully requests that registration of the mark shown in Application Serial No. 78,718,854 be refused and this Opposition be sustained.

This Notice of Opposition is submitted with the requisite \$300.00 filing fee corresponding to the one (1) class of goods in the above-identified Application submitted herewith. Please charge any deficiency in the filing fee, or credit any overpayment in fees,

to Opposer's attorney's Deposit Account No. 502063.

Respectfully submitted,

  
Charles F. Meroni, Jr.  
Meroni & Meroni PC  
P.O. Box 309  
Barrington, IL 60011  
Telephone: (847) 304-1500

ATTORNEY FOR OPPOSER

Dated: June 14, 2006

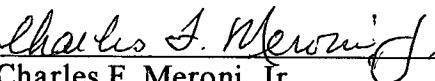
**CERTIFICATE OF MAILING BY EXPRESS MAIL**

The undersigned attorney hereby certifies that the above NOTICE OF OPPOSITION addressed to: Commissioner For Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, was sent by U.S. Express Mail, Express Mail Label No. EV 819359211 US, on: June 14, 2006.

Signed:   
Charles F. Meroni, Jr.

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL**

The undersigned attorney hereby certifies that the above NOTICE OF OPPOSITION addressed to: Jane Scott at 3384 McLaughlin Avenue, Los Angeles, CA 90066, was sent by First Class Mail on: June 14, 2006.

Signed:   
Charles F. Meroni, Jr.